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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,888	04/08/2004	Philip Shi-Lung Yu	YOR920040112US1	8874
55459 7590 01/29/2007 GEORGE A. WILLINGHAN, III AUGUST LAW GROUP, LLC P.O. BOX 19080 BALTIMORE, MD 21284-9080			EXAMINER BETIT, JACOB F	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/820,888

Applicant(s)

YU, PHILIP SHI-LUNG

Examiner

Jacob F. Betit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 26 October 2006, claims 1-5, 7-12, 14-17 have been amended and claims 6 and 13 have been cancelled per the applicant's request. Claims 1-5, 7-12, 14-17 are presently pending in the application.

### *Claim Objections*

2. Claims 1-5, 7-12, and 14 are objected to because of the following informalities:

Claim 1 uses the conjunction "and" on line 6. This conjunction is unnecessary since there is already a conjunction in use for the same list of steps on line 8.

Claims 2-5 and 7-8 are objected to for being dependent on rejected independent claim 1.

Claim 9 uses the conjunction "and" on line 7. This conjunction is unnecessary since there is already a conjunction in use for the same list of steps on line 9.

Claims 10-12, and 14 are rejected for being dependent on rejected independent claim 9.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-12, 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Barrett et al. (U.S. patent application publication No. 2003/0135490 A1).

As to claim 1, Barrett et al. teaches a method for searching data comprising:

generating a temporally ranked set of search results in response to a query (see abstract),  
the step of generating a temporally the temporally ranked set of search results comprising:

generating an initial set of search results (see paragraph 0010; and

identifying a first portion of the initial search results having creation dates after a pre-determined threshold date; identifying a second portion of the initial search results having creation dates before the pre-determined threshold date (see paragraph 0049); and

ranking the second portion of the initial set of search results based on temporal factors to generate the temporally ranked set of search results (see paragraph 0013).

As to claim 2, Barrett et al. teaches wherein the step of generating the initial set of search results comprises using reputation based factors or content based factors (see paragraph 0010).

As to claim 3, Barrett et al. teaches wherein the step of ranking the second portion of the initial search results comprises assigning a present importance weight and a future importance weight to each result in the second portion of the initial set of search results (see paragraph 0013).

As to claim 4, Barrett et al. teaches further comprising:

determining the present importance of each result using creation date, publication date, in-link dates, search frequency or combinations thereof (see paragraph 0013); and

determining the future importance using an aging factor based on the elapsed time from publication for each search result and a rate at which each search result decreases in importance (see paragraphs 0035-0038).

As to claim 5, Barrett et al. teaches wherein the data being searched comprises web-based data and the method further comprises obtaining time and date information about each search result from meta content associated with the search result (see paragraphs 0013 and 0015).

As to claim 7, Barrett et al. teaches further comprising ranking the first portion of the initial search results based on a reputation associated with authors of each result, a reputation associated with a repository where each result is located or a combination of author and repository reputation (see paragraphs 0036-0037).

As to claim 8, Barrett et al. teaches further comprising ranking the initial set of search results based upon the reputation or content of each result (see paragraphs 0036-0037).

As to claim 9, Barrett et al. teaches a computer readable medium containing a computer executable code that when read by a computer causes the computer to perform a method for searching data comprising generating a temporally ranked set of search results in response to a

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query (see paragraph 0001), said step of generating a temporally ranked set of search results comprising:

generating an initial set of search results (see paragraph 0010); and

identifying a first portion of the initial search results having creation dates after a pre-determined threshold date;

identifying a second portion of the initial search results having creation dates before the pre-determined threshold date; and

ranking the second portion of the initial set of search results based on temporal factors to generate the temporally ranked set of search results (see paragraph 0013).

As to claim 10, see the rejection of claim 3 above.

As to claim 11, see the rejection of claim 4 above.

As to claim 12, see the rejection of claim 5 above.

As to claim 14, see the rejection of claim 7 above.

As to claim 15, Barrett et al. teaches 15. a method comprising:

offering a service to customers that generates a temporally ranked set of search results in response to a query, the temporally ranked set of search results utilizing an age associated with each result in the set of search results to rank the search results (see paragraphs 0013, 0044, and 0049); and

modifying one or more parameters of the service in response to customer input (see paragraph 0012).

As to claim 16, Barrett et al. teaches wherein the parameters comprise rate of phase-out of old data, decay rate, temporal criteria, reputation ranking techniques or combinations thereof (see paragraph 0013).

As to claim 17, Barrett et al. teaches wherein further comprising modifying the parameters based upon the topic or repository being searched (see paragraph 0013, “As a matter of granularity, the particular decay rate and structure may be defined by the designer based on query type or other personalized factors... if a query relates to history, one may not wish to ever ignore a use”).

#### *Response to Arguments*

5. Applicant's arguments filed 26 October 2006 have been fully considered but they are not persuasive.

In response to the applicant's arguments that “[t]here is no teaching or suggestion in Barrett of making any rankings based upon the age of the results themselves”, the arguments have been considered, but are not deemed persuasive. Paragraph 0049 of Barrett et al. states, “In the preferred embodiment, the traditional popularity scores are blended with the enhanced popularity scores, with an initial lower weight on the enhanced popularity scores until a maturing time has past.” The applicant arguments state “The popularity scores are based upon usage not creation date.” It would be incorrect to characterize Barrett et al. in this manner since paragraph 0044 states “the enhanced popularity scores of the present invention will not be used for ranking

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until enough time has passed to ensure a mature ranking". This suggests that Barrett et al. is in fact separating the results the same way the applicant has claimed in claims 1 and 9, and that Barrett et al. does anticipate these claims.

In response to the applicant's arguments directed towards claim 15, the arguments have been considered, but are not deemed persuasive. Paragraphs 0044 and 0049 both suggest that the age of the results is used in ranking the search results as stated in the above response to the arguments directed towards claims 1 and 9.

In response to the applicant's arguments directed towards claims 3 and 10, the arguments have been considered, but are not deemed persuasive. The applicant appears to be reiterating elements that the applicant feels is missing in the independent claims and does not indicate specific parts of claims 3 and 10 that are missing from the disclosure Barrett et al. besides those previously indicated.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb  
18 Jan 2007

  
SAM RIMELL  
PRIMARY EXAMINER